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SHELEHEDA, JAMES R

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2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,241

Applicant(s)

COCCHI ET AL.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-17,19-30 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-17,19-30 and 32-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 9, 11, 12, 14-17, 19, 22, 24, 25, 27-30, 32, 35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (Nakano) (US 2002/0055847) (of record) in view of Yamamoto et al. (Yamamoto) (6,166,778).

As to claim 1, Nakano discloses a method of delivering purchase information (Fig. 6) comprising:

receiving purchase information (user indication of a good or service to purchase; paragraphs 31, 34 and 35), for a good or service purchased by a user (paragraph 31 and 35), wherein the purchase information was obtained through the user communicating with a set top box (obtained in response to a previous user purchase; paragraphs 31, 34 and 35);

a smart card communicatively coupled to the set top box (see Fig. 5; paragraphs 30 and 37), wherein the set top box is configured to:

receive broadcast signals (paragraph 22, lines 1-7) through a tuner (wherein a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7); and

enable a presentation device (television 12) connected to the set top box (Fig. 1) to display the broadcast signals (paragraph 22, lines 1-7);

automatically obtaining a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

establishing a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

transmitting the purchase information (paragraph 31, lines 7-13) and a smart card identification number (serial number; paragraph 31, lines 7-13) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15). While Nakano discloses wherein information can be downloaded onto the smart card (paragraph 29), he fails to specifically disclose storing the purchase information for the good or service in the smart card.

In an analogous art, Yamamoto discloses a broadcast receiver (Fig. 1) which can perform purchasing (column 37, lines 16-30) wherein user purchase information is stored in an IC card (charge record information table; Fig. 43; column 37, lines 48-60) and retrieved for later display to a user (column 37, line 61-column 38, line 13) for the

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typical benefit of providing a means for a user to easily retrieve and review their purchasing history at a later time (column 38, lines 14-24).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include storing the purchase information for the good or service in the smart card, as taught by Yamamoto, for the typical benefit of providing a means for a user to easily review and verify their purchasing history at a later time.

As to claim 14, Nakano discloses a system for delivering purchase information (Fig. 6) comprising:

purchase information (user indication of a good or service to purchase; paragraphs 31, 34 and 35) for a purchase of a good or service by a user (paragraph 31 and 35), wherein the purchase information was obtained through the user communicating with a set top box (obtained in response to a previous user purchase; paragraphs 31, 34 and 35);

the set top box is configured to:

receive broadcast signals (paragraph 22, lines 1-7) through a tuner (wherein a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7); and

enable a presentation device (television 12) connected to the set top box (Fig. 1) to display the broadcast signals (paragraph 22, lines 1-7);

automatically obtain a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using

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a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

establish a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

transmit the purchase information (paragraph 31, lines 7-13) and a smart card identification number (serial number; paragraph 31, lines 7-13) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15). While Nakano discloses a smart card communicatively coupled to the set top box (see Fig. 5; paragraphs 30 and 37) and wherein information can be downloaded onto the smart card (paragraph 29), he fails to specifically disclose storing the purchase information in the smart card.

In an analogous art, Yamamoto discloses a broadcast receiver (Fig. 1) which can perform purchasing (column 37, lines 16-30) wherein user purchase information is stored in an IC card (charge record information table; Fig. 43; column 37, lines 48-60) and retrieved for later display to a user (column 37, line 61-column 38, line 13) for the typical benefit of providing a means for a user to easily retrieve and review their purchasing history at a later time (column 38, lines 14-24).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include storing the purchase information for the good or service in the smart card, as taught by Yamamoto, for the typical benefit of providing a means for a user to easily review and verify their purchasing history at a later time.

As to claim 27, Nakano discloses an article of manufacture for delivering purchase information (Fig. 6) comprising:

means for a set top box (Fig. 1; 10) connectable to a presentation device (Fig. 1; 12) to receive broadcast signals (paragraph 22, lines 1-7) through a tuner (a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7);

means for the set top box (10) to enable the presentation device (television, 12) to display the broadcast signals (paragraph 22, lines 1-7);

means (user input device, 18; paragraph 22) for the set top box to receive purchase information (user indication of a good or service to purchase; paragraphs 31, 34 and 35), for a good or service purchased by a user (paragraph 31 and 35), wherein the purchase information was obtained through the user communicating with the set top box (obtained in response to a previous user purchase; paragraphs 31, 34 and 35);

means (a modem; paragraph 26, lines 1-9) for the set top box to automatically obtain a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box

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(paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

means (a modem; paragraph 26, lines 1-9) for the set top box to establish a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

means (a modem; paragraph 26, lines 1-9) for the set top box to transmit the purchase information (paragraph 31, lines 7-13) and a smart card identification number (serial number; paragraph 31, lines 7-13) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15). While Nakano discloses a smart card communicatively coupled to the set top box (see Fig. 5; paragraphs 30 and 37) and a means for storing on the smart card (paragraph 29), he fails to specifically disclose storing the purchase information in the smart card.

In an analogous art, Yamamoto discloses a broadcast receiver (Fig. 1) which can perform purchasing (column 37, lines 16-30) wherein user purchase information is stored in an IC card (charge record information table; Fig. 43; column 37, lines 48-60) and retrieved for later display to a user (column 37, line 61-column 38, line 13) for the typical benefit of providing a means for a user to easily retrieve and review their purchasing history at a later time (column 38, lines 14-24).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include storing the purchase information in the smart card, as taught by Yamamoto, for the typical benefit of providing a means for a user to easily review and verify their purchasing history at a later time.

As to claims 2, 15 and 28, while Nakano and Yamamoto wherein the purchase information relates to an electronic commerce transaction (paragraph 31), he fails to specifically disclose pay per view programs.

The examiner takes Official Notice that it is notoriously well known in the art to allow a television set top box to transmit purchasing information relating to pay per view programs for the typical benefit of enabling television viewers to order any television pay per view programming they have an interest in.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano and Yamamoto's system to include pay per view programs for the typical benefit of allowing home television viewers to easily order pay per view programming they want to watch.

As to claims 3, 16 and 29, Nakano and Yamamoto disclose wherein the purchase information relates to an electronic commerce transaction (see Nakano at paragraph 31).

As to claims 4, 17 and 30, Nakano and Yamamoto disclose wherein the presentation device is a television (see Nakano at paragraph 22, lines 1-7).

As to claims 6, 19, and 32, Nakano and Yamamoto disclose wherein the purchase information is stored in a renewable security module (a programmable smart card; see Nakano at paragraph 25 and Yamamoto at column 37, lines 48-60).

As to claims 9, 22 and 35, while Nakano and Yamamoto disclose wherein the automatically obtaining a connection comprises:

if an Internet connection is currently established (to allow transmission over the Internet; see Nakano at paragraph 32), automatically (see Nakano at paragraph 32, lines 4-7) obtaining a new transmission protocol/internet protocol (TCP/IP) connection (wherein an Internet connection is in TCP/IP protocol; see Nakano at paragraph 32) through the communication module using the established Internet connection (see Nakano at paragraph 26, lines 5-12), he fails to specifically disclose determining if an Internet connection is currently established.

The examiner takes Official Notice that it is notoriously well known in the art to include means to determine if a system currently has an established Internet connection for the typical benefit of avoiding failed data transmissions due to a lack of an Internet connection.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include determining if an Internet connection

is currently established for the typical benefit of avoiding failed attempts to conduct a shopping transaction due to a lack of an Internet connection.

As to claims 11, 24 and 37, Nakano and Yamamoto disclose wherein the server is a broadcast satellite operator's Internet server (wherein ISP host 22 broadcasts data with satellite television signals; see Nakano at paragraph 22, lines 10-15 and paragraph 23, lines 1-3).

As to claims 12, 25 and 38, Nakano and Yamamoto disclose receiving additional information in the set top box through the secure electronic connection (additional preferred customer information; see Nakano at paragraph 37).

3. Claims 7, 8, 20, 21, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano and Yamamoto as applied to claim 1, 14 and 27 above, and further in view of Hayward et al. (Hayward) (US2003/0023703) (of record).

As to claims 7, 20 and 33, while Nakano and Yamamoto disclose the set top box automatically connecting to a computer (DB2; see Nakano at paragraph 30, lines 1-5), without the user requesting a connection (the set top automatically makes a connection when the card is entered; see Nakano at paragraph 34, lines 1-3), using the communications module (a modem connecting through telephone lines to the Internet; see Nakano at paragraph 26; lines 5-14), wherein the communications module is a modem (see Nakano at paragraph 26, lines 5-14), they fail to specifically disclose

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receiving a local phone number, dialing the local phone number and establishing a connection to the Internet through a computer that answers the dialed local phone number.

In an analogous art, Hayward discloses a computer system (Fig. 2) wherein a local telephone number provided to the user system (paragraph 20, lines 10-12) is dialed to make a connection (to the POP; paragraph 20, lines 6-15) using a modem (34) to establish a connection to the Internet through a computer (the POP connecting to the Internet backbone; paragraph 20, lines 4-21) that answers the dialed phone number (paragraph 20, lines 4-8) for the typical benefit of providing a means for a user to connect to the Internet through their phone line (paragraph 20, lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano and Yamamoto's system to include receiving a local phone number, dialing the local phone number and establishing a connection to the Internet through a computer that answers the dialed local phone number, as taught by Hayward, for the typical benefit of allowing a user a simple way to connect to the Internet through a local phone number.

As to claims 8, 21 and 34, Nakano, Yamamoto and Hayward disclose wherein the local phone number is associated with an Internet service provider (see Hayward at paragraph 20, lines 1-6).

4. Claims 10, 23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano and Yamamoto as applied to claims 9, 22 and 35 above, and further in view of Kuo (US2003/0120615) (of record).

As to claims 10, 23 and 36, while Nakano and Yamamoto disclose a secure electronic connection (see Nakano at paragraph 34, lines 6-9), they fail to specifically disclose utilizing a secure socket layer (SSL) protocol.

In an analogous art, Kuo discloses a system for online transactions (Fig. 1) wherein a consumer initiates an online transaction (paragraph 58, lines 1-4) and transmits their order online to a merchant (paragraph 58, lines 1-4) using SSL protocol (paragraph 58, lines 5-7) for the typical benefit of providing protected encrypted transactions (paragraph 58, lines 5-7).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano and Yamamoto's system to include utilizing a secure socket layer (SSL) protocol, as taught by Kuo, for the typical benefit of providing extra protection to Internet transaction through SSL encryption.

5. Claims 13, 26 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano in view of Yamamoto and Yuen et al. (Yuen) (WO 97/31479) (of record).

As to claim 13, Nakano discloses a method of delivering purchase information (Fig. 6) comprising:

receiving purchase information (user indication of a good or service to purchase; paragraphs 31, 34 and 35), for a good or service purchased by a user (paragraph 31

and 35), wherein the purchase information was obtained through the user communicating with a set top box (obtained in response to a previous user purchase; paragraphs 31, 34 and 35);

a smart card communicatively coupled to the set top box (see Fig. 5; paragraphs 30 and 37), wherein the set top box is configured to:

receive broadcast signals (paragraph 22, lines 1-7) through a tuner (wherein a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7); and

enable a presentation device (television 12) connected to the set top box (Fig. 1) to display the broadcast signals (paragraph 22, lines 1-7);

automatically obtaining a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

establishing a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

transmitting the purchase information (paragraph 31, lines 7-13) and a smart card identification number (serial number; paragraph 31, lines 7-13) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34,

lines 6-15). While Nakano discloses wherein information can be downloaded onto the smart card (paragraph 29) and establishing connection to a network (Fig. 5; paragraph 26, lines 1-8), he fails to specifically disclose storing the purchase information for the good or service in the smart card and establishing a connection to a data paging network.

In an analogous art, Yamamoto discloses a broadcast receiver (Fig. 1) which can perform purchasing (column 37, lines 16-30) wherein user purchase information is stored in an IC card (charge record information table; Fig. 43; column 37, lines 48-60) and retrieved for later display to a user (column 37, line 61-column 38, line 13) for the typical benefit of providing a means for a user to easily retrieve and review their purchasing history at a later time (column 38, lines 14-24).

Additionally, in an analogous art, Yuen discloses an interactive cable television system (Fig. 1; page 5, lines 4-12) wherein a television set top box (12) will connect to a pager network (page 5, lines 27-34) for the typical benefit of providing communications for low cost (page 5, lines 22-26) using existing infrastructure (page 5, lines 20-21).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include storing the purchase information for the good or service in the smart card, as taught by Yamamoto, for the typical benefit of providing a means for a user to easily review and verify their purchasing history at a later time.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano and Yamamoto's system to include

establishing a connection to a data paging network, as taught by Yuen, for the typical benefit of providing a set top box which can establish a connection to an external network at low cost using existing communications infrastructure.

As to claim 26, while Nakano discloses a system for delivering purchase information (Fig. 6) comprising:

purchase information (user indication of a good or service to purchase; paragraphs 31, 34 and 35) for a purchase of a good or service of a user (paragraph 31 and 35), wherein the purchase information was obtained through the user communicating with a set top box (obtained in response to a previous user purchase; paragraphs 31, 34 and 35);

the set top box is configured to:

receive broadcast signals (paragraph 22, lines 1-7) through a tuner (wherein a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7); and
enable a presentation device (television 12) connected to the set top box (Fig. 1) to display the broadcast signals (paragraph 22, lines 1-7);

automatically obtain a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

establish a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

transmit the purchase information (paragraph 31, lines 7-13) and a smart card identification number (serial number; paragraph 31, lines 7-13) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15). While Nakano discloses a smart card communicatively coupled to the set top box (see Fig. 5; paragraphs 30 and 37), wherein information can be downloaded onto the smart card (paragraph 29) and establishing connection to a network (Fig. 5; paragraph 26, lines 1-8), he fails to specifically disclose storing the purchase information in the smart card and establishing a connection to a data paging network.

In an analogous art, Yamamoto discloses a broadcast receiver (Fig. 1) which can perform purchasing (column 37, lines 16-30) wherein user purchase information is stored in an IC card (charge record information table; Fig. 43; column 37, lines 48-60) and retrieved for later display to a user (column 37, line 61-column 38, line 13) for the typical benefit of providing a means for a user to easily retrieve and review their purchasing history at a later time (column 38, lines 14-24).

Additionally, in an analogous art, Yuen discloses an interactive cable television system (Fig. 1; page 5, lines 4-12) wherein a television set top box (12) will connect to a pager network (page 5, lines 27-34) for the typical benefit of providing communications for low cost (page 5, lines 22-26) using existing infrastructure (page 5, lines 20-21).

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It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include storing the purchase information for the good or service in the smart card, as taught by Yamamoto, for the typical benefit of providing a means for a user to easily review and verify their purchasing history at a later time.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano and Yamamoto's system to include establishing a connection to a data paging network, as taught by Yuen, for the typical benefit of providing a set top box which can establish a connection to an external network at low cost using existing communications infrastructure.

As to claim 39, Nakano discloses an article of manufacture for delivering purchase information (Fig. 6) comprising:

means for a set top box (Fig. 1; 10) connectable to a presentation device (Fig. 1; 12) to receive broadcast signals (paragraph 22, lines 1-7) through a tuner (a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7);

means for the set top box (10) to enable the presentation device (television, 12) to display the broadcast signals (paragraph 22, lines 1-7);

means (user input device, 18; paragraph 22) for the set top box to receive purchase information (user indication of a good or service to purchase; paragraphs 31, 34 and 35), for a good or service purchased by a user (paragraph 31 and 35), wherein

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the purchase information was obtained through the user communicating with the set top box (obtained in response to a previous user purchase; paragraphs 31, 34 and 35);

means (a modem; paragraph 26, lines 1-9) for the set top box to automatically obtain a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

means (a modem; paragraph 26, lines 1-9) for the set top box to establish a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

means (a modem; paragraph 26, lines 1-9) for the set top box to transmit the purchase information (paragraph 31, lines 7-13) and a smart card identification number (serial number; paragraph 31, lines 7-13) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15). While Nakano discloses a smart card communicatively coupled to the set top box (see Fig. 5; paragraphs 30 and 37), a means for storing on the smart card (paragraph 29) and establishing connection to a network (Fig. 5; paragraph 26, lines 1-8), he fails to

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specifically disclose storing the purchase information in the smart card and establishing a connection to a data paging network.

In an analogous art, Yamamoto discloses a broadcast receiver (Fig. 1) which can perform purchasing (column 37, lines 16-30) wherein user purchase information is stored in an IC card (charge record information table; Fig. 43; column 37, lines 48-60) and retrieved for later display to a user (column 37, line 61-column 38, line 13) for the typical benefit of providing a means for a user to easily retrieve and review their purchasing history at a later time (column 38, lines 14-24).

Additionally, in an analogous art, Yuen discloses an interactive cable television system (Fig. 1; page 5, lines 4-12) wherein a television set top box (12) will connect to a pager network (page 5, lines 27-34) for the typical benefit of providing communications for low cost (page 5, lines 22-26) using existing infrastructure (page 5, lines 20-21).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include storing the purchase information for the good or service in the smart card, as taught by Yamamoto, for the typical benefit of providing a means for a user to easily review and verify their purchasing history at a later time.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano and Yamamoto's system to include establishing a connection to a data paging network, as taught by Yuen, for the typical benefit of providing a set top box which can establish a connection to an external network at low cost using existing communications infrastructure.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 6-17, 19-30 and 32-39 have been considered but are moot in view of the new ground(s) of rejection.

a. The Official Notice presented in the prior action stating that it is notoriously well known in the art to include means to determine if a system currently has an established Internet connection was not traversed and is accordingly taken as an admission of the fact noted.

b. The Official Notice presented in the prior action stating that it is notoriously well known in the art to include means to allow a television set top box to transmit purchasing information relating to pay per view programs was not traversed and is accordingly taken as an admission of the fact noted.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600